



महाराष्ट्र शासन राजपत्र

असाधारण भाग एक—कोकण विभागीय पुरवणी

वर्ष ३, अंक १]

मंगळवार, जानेवारी ३, २०१७/पौष १३, शके १९३८

[पृष्ठे ८, किंमत : रुपये ११.००

असाधारण क्रमांक १

प्राधिकृत प्रकाशन

नगरविकास विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक २ जानेवारी २०१७

सूचना

महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६.

क्रमांक टीपीबी. ४३१५/प्र.क्र. १२८/२०१५/नवि.११.— ज्याअर्थी, बृहन्मुंबई क्षेत्राची विकास नियंत्रण नियमावली (यापुढे ज्याचा उल्लेख “उक्त विनियम” असा करण्यात आला आहे.), शासन नगरविकास विभागाकडील अधिसूचना क्र. डिसीआर/१०९०/आरडीपी/नवि-११, दिनांक २० फेब्रुवारी १९९१ अन्वये महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (यापुढे ज्याचा उल्लेख “उक्त अधिनियम” असा करण्यात आला आहे) च्या कलम ३१(१) खालील तरतूदीनुसार मंजूर झालेली असून दिनांक २५ मार्च १९९१ पासून अंमलात आलेली आहे ;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ३३(७) मध्ये प्रामुख्याने मुंबई बेट शहरातील उपकर इमारतींच्या पुनर्बांधणी अथवा पुनर्विकासाबाबत प्रोत्साहनात्मक चटई क्षेत्र निर्देशांकासह तरतूदी आहेत, तथापि मुंबई बेट शहर तसेच उपनगर व विस्तारीत उपनगरामधील बिगर उपकरप्राप्त असलेल्या भाडेकरुव्याप्त धोकादायक/असुरक्षित इमारतींच्या पुनर्बांधणी अथवा पुनर्विकासाबाबत तरतूद नाही ;

आणि ज्याअर्थी, सध्या अशा बिगर उपकरप्राप्त असलेल्या भाडेकरुव्याप्त धोकादायक/असुरक्षित इमारतींच्या पुनर्बांधणी अथवा पुनर्विकासाबाबत तरतूद नसल्याने जमीन मालक/विकासक अशा इमारतींच्या पुनर्बांधणी अथवा पुनर्विकासासाठी पुढे येत नाहीत तसेच मुंबई महानगरपालिका अधिनियमातील तरतूदीनुसार अशा इमारती पाडून टाकाव्या लागल्या तर त्यामधील भाडेकरुंचे निवारा हक्क तसेच त्यांची सुरक्षितता धोक्यात येत आहे ;

आणि ज्याअर्थी, मा. मुंबई उच्च न्यायालयामधील रिट याचिका (लॉ) क्र. ११३५/२०१४ मध्ये मा. उच्च न्यायालयाने दिलेले आदेश तसेच मा. सर्वोच्च न्यायालयामधील विशेष अनुमती अपिल (सिव्हील) २९८५९/२०१४ मध्ये राज्य शासनाने दाखल केलेले प्रतिज्ञापत्र विचारात घेता, बिगर उपकरप्राप्त भाडेकरु व्याप्त धोकादायक/असुरक्षित इमारतींच्या पुनर्बांधणी/पुनर्विकासासाठी उक्त विनियमामध्ये विशेष विनियम अंतर्भूत करणे आवश्यक झालेले आहे ;

आणि ज्याअर्थी, दिनांक २ सप्टेंबर २०१६ रोजी पंतनगर, घाटकोपर येथे जाहीर झालेल्या गृहनिर्माण धोरणामधील पहिल्या टप्प्यामध्ये यासंदर्भात नविन विनियम ३३(७)(अ) अंतर्भूत करणेचा निर्णय जाहीर केलेला आहे.

आणि ज्याअर्थी, सार्वजनिक हितास्तव उक्त विनियमामध्ये यासंदर्भात तातडीने नवीन विनियम ३३(७)(अ) अंतर्भूत करणेसाठी यासोबतच्या परिशिष्टामध्ये उल्लेखिलेप्रमाणे फेरबदल (यापुढे याचा उल्लेख “प्रस्तावित फेरबदल ” असा केलेला आहे) करणे आवश्यक झालेले आहे.

आता त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता आणि उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करून, शासन याद्वारे प्रस्तावित फेरबदलाविषयी उक्त अधिनियमाच्या कलम ३७, पोट-कलम (१कक) चे खंड (क) नुसार कोणत्याही व्यक्तीकडून सदरची सूचना **शासन राजपत्रामध्ये** प्रसिद्ध झालेल्या दिनांकापासून एक महिन्याचे मुदतीमध्ये सूचना/हरकती मागविण्यासाठी, सूचना प्रसिद्ध करीत आहे.

शासनाकडून असेही कळविणेत येत आहे की, प्रस्तावित फेरबदलाविषयी कोणत्याही हरकती/सूचना **शासन राजपत्रात** सदर सूचना प्रसिद्ध झाल्याच्या दिनांकापासून एक महिन्याच्या आत उप संचालक, नगररचना, बृहन्मुंबई यांचेकडे इन्सा हटमेंटस, ई-ब्लॉक, आझाद मैदान, महापालिका मार्ग, मुंबई ४०० ००१ या कार्यालयाचे पत्त्यावर पाठविण्यात याव्यात. उप संचालक, नगररचना, बृहन्मुंबई यांच्याकडे सदरच्या कालावधीत प्राप्त होणाऱ्या हरकती/सूचना यावर उक्त अधिनियमाच्या कलम ३७ च्या पोट-कलम (१कक) अन्वये कार्यवाही करण्यात येईल.

परिशिष्ट

New Regulation 33(7)(A) is proposed to be inserted as follows :—

Reconstruction or Redevelopment of dilapidated/unsafe existing authorized tenant occupied building in Suburbs and extended Suburbs and existing authorized non-cessed tenant occupied buildings in Mumbai City.

For reconstruction/ redevelopment of existing authorized tenant-occupied buildings, which have been declared unsafe for human habitation by or are to be demolished for the same reason under a lawful order by the Municipal Corporation of Greater Mumbai and duly certified as such, undertaken by landlord/s or Co-operative Housing Societies of existing tenants, the permissible FSI prescribed under these regulations and Appendix-III-B, shall be admissible as under :—

(a) In case of the plot consisting of only tenant occupied building, the F.S.I. shall be equal to F.S.I. required for rehabilitation of existing lawful tenant plus 50% incentive F.S.I.

(b) In case of composite development *i.e.* the plot consisting of tenant occupied building alongwith non-tenanted building such as owner occupied building/existing Co-op Housing Society buildings etc., the FSI available shall be equal to FSI required for rehabilitation of existing lawful tenant plus 50% incentive FSI plus FSI that has already authorisedly been utilized/consumed by the non-tenanted buildings/structures.

Appendix-III-B

1. The F.S.I. permissible for the new building shall be as given in sub-regulation (7)(A) of Regulation 33.

2. (a) A new building may be permitted to be constructed in pursuance of an irrevocable written consent by not less than 70 per cent of the tenants of the old building.

(b) All the tenants of the old building shall be re-accommodated in the redeveloped building.

3. Each tenant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to the minimum fixed carpet area of 27.88 sq.mtrs.(300 sq.ft.) And/or maximum carpet area upto 70 sq.mtrs. (753 sq.ft.) free of cost. In case of non-residential occupier the area to be given free of cost in the reconstructed building shall be equivalent to the area occupied in the old building.

Provided that if carpet area for residential purpose exceeds 70.00 sq. mt. (753 sq. ft.) the cost of construction shall be paid by tenant to the developer. The cost of construction shall be as per ready reckoner rate of that year. However, the carpet area exceeding 70.00 sq. mt. (753 sq. ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI.

4. No new tenancy created after 13th June 1996 shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while doing computation of existing FSI. A certified inspection extract of the Municipal Corporation for the year 1995-96 or Court Order proving the existence of tenements prior to 13th June 1996 shall be considered adequate evidence to establish the number of tenements. However, the Govt. may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.

5. The list of tenants and area occupied by each of them in the old building and the irrevocable written consent as specified in 2 (a) above shall be certified by the Municipal Corporation of Greater Mumbai.

6. The tenements in the reconstructed building shall be allotted by landlord/s or Co-operative Housing Societies of existing tenants to the tenants as per list certified by the Municipal Corporation of Greater Mumbai.

7. The entire FSI available under this regulation shall be allowed to be utilized on plot / plots under redevelopment scheme.

8. Reconstruction of a new building on the plot should strictly conform to the provisions of the development plan and these Regulations.

9. No construction or reconstruction shall be permitted on set-back areas or areas required for road-widening and such areas shall be handed over to the Municipal Corporation.

10. For the purpose of calculating the FSI for tenanted building, the entire area of the plot/ layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered.

11. New building shall be reconstructed in accordance with these Regulations and all other Regulations and orders as applicable from time to time. The Municipal Commissioner may exercise his powers under Regulations 64 for condonation of minor variations in respect of such reconstruction.

12. 20% of the incentive FSI can be used for non-residential purposes otherwise permissible as per the Development Control Regulations.

13. The fungible compensatory F.S.I. admissible on rehab component shall be granted without charging premium and such fungible compensatory FSI for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants .

14. For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/ s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

15. An amount of Rs.5000 per sq. mt. shall be paid by the landlord/s or Co-operative Housing Societies of existing tenants, as additional development cess for the built-up area over and above the F.S.I. permissible as per table 14 under Regulation 32, for the rehabilitation and free sale

components. This amount shall be paid to the Municipal Corporation in accordance with the time schedule for such payment as may be laid down by the Municipal Commissioner, MCGM, provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of offsite infrastructure in the area around the development. The above development cess shall be enhanced @ 10% every three years.

16. As per the provision of clause 3, each residential/non-residential tenant shall be rehabilitated only for carpet area mentioned in the said clause 3 and such areas shall be clearly shown on the building plan submitted to the Municipal Corporation.

17. The landlord/s or Co-operative Housing Societies of existing tenants . shall commence the reconstruction or redevelopment work within the period of one year from the date of demolition of the building and complete it within a period of five years. In the meantime the landlord/s or Co-operative Housing Societies of existing tenants shall make arrangement of alternate accommodation of tenants.

18. A corpus fund is to be created by the landlord/s or Co-operative Housing Societies of existing tenants which will take care of the maintenance of the building for a period of 10 years.

19. Restriction on transfer of tenements shall be governed by provision of Rent Control Act till Co.op. Society is formed and after that the same shall be governed by the provision of Maharashtra Co-op. Society's Act.

20. The State Government/ Municipal Commissioner shall prescribe the guidelines for better implementation of the scheme in respect of model agreement, alternate accommodation of existing tenants, eligibility criteria for tenants etc. separately.

सदर फेरबदलाची सूचना महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर प्रसिद्ध करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

श्रीरंग दि. लांडगे,
शासनाचे सहसचिव.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 2nd January 2017

Notice

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No.TPB. 4315/CR-128/2015/UD-11.—Whereas the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as “the said Regulations”) have been sanctioned by the Government in the Urban Development Department, under Section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) *vide* Notification No. DCR 1090/RDP/UD-11 dated 20th February, 1991 so as to come into force with effect from the 25th March, 1991 ;

And whereas, Regulation 33(7) of the said Regulations deals with reconstruction or redevelopment of mainly cessed buildings along with incentive F.S.I. in the Island City, but there is no provision for reconstruction or redevelopment of non-cessed dilapidated/unsafe tenant occupied building in Island City and Suburbs and extended Suburbs.

And whereas, presently there is no policy for reconstruction or redevelopment of dilapidated/unsafe tenanted non-cessed buildings, the landlords/developers do not come forward for reconstruction or redevelopment of such buildings and if building is required to be pulled down in pursuance of provisions of Mumbai Municipal Corporation Act, the right to shelter of the tenants and their safety gets affected.

And whereas, considering orders of Hon’ble High Court, Bombay in Writ Petition (L) 1135/2014 and the affidavit filed by the State Government in Hon’ble Supreme Court in Special leave to appeal (Civil) No. 29859/2014, it is essential to incorporate a special Regulation for non-cessed dilapidated/unsafe tenant occupied buildings in the said Regulation.

And whereas, in the first phase of Housing Policy declared at Pantnagar, Ghatkopar on 2nd September 2016, the State Government has declared a decision to incorporate a new Regulation 33(7)(A) in this regard in the said Regulations.

And whereas, it is necessary in the public interest to urgently carry out suitable modification to the said Regulation by incorporating a new Regulation 33(7)(A) in this regard, as specifically-described in the Schedule appended hereto (hereinafter referred to as “the proposed modification”) ;

Now therefore, after considering the above facts and circumstances and in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act, and all other powers enabling it in this behalf, the Government hereby publishes a Notice for inviting suggestions and objections from any person with respect to proposed modification, as required by clause (a) of sub-section (1AA) of the Section 37 of the said Act, within a period of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*.

Any objections/suggestions in respect of the proposed modification may be forwarded before the expiry of one month from the date of publication of this Notice in the *Maharashtra Government Gazette*, to the Deputy Director of Town Planning, Greater Mumbai, having his office at ENSA Hutments, E- Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001. Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai within the said period shall be dealt with in accordance with the provisions of the said sub-section (1AA) of Section 37 of the said Act.

Schedule

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(b) In case of composite development i.e. the plot consisting of tenant occupied building alongwith non-tenanted building such as owner occupied building/existing Co-op Housing Society buildings etc., the FSI available shall be equal to FSI required for rehabilitation of existing lawful tenant plus 50% incentive FSI plus FSI that has already authorisedly been utilized/consumed by the non-tenanted buildings/structures.

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8. Reconstruction of a new building on the plot should strictly conform to the provisions of the development plan and these Regulations.

9. No construction or reconstruction shall be permitted on set-back areas or areas required for road-widening and such areas shall be handed over to the Municipal Corporation.

10. For the purpose of calculating the FSI for tenanted building, the entire area of the plot/ layout including Development Plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered.

11. New building shall be reconstructed in accordance with these Regulations and all other Regulations and orders as applicable from time to time. The Municipal Commissioner may exercise his powers under Regulations 64 for condonation of minor variations in respect of such reconstruction.

12. 20% of the incentive FSI can be used for non-residential purposes otherwise permissible as per the Development Control Regulations.

13. The fungible compensatory F.S.I. admissible on rehab component shall be granted without charging premium and such fungible compensatory FSI for rehabilitation component shall not be used for free sale component and shall be used to give additional area over and above eligible area to the existing tenants .

14. For smooth implementation of the redevelopment scheme undertaken by landlord/s or Co-operative Housing Societies of existing tenants, temporary transit camps may be permitted on the same land or land situated elsewhere belonging to the same landlord/ s with the concessions permissible under SRS project under Regulations 33(10) of these Regulations. Such transit camps should be demolished within one month from the date of occupation certificate granted by the Corporation for the reconstructed buildings.

15. An amount of Rs.5000 per sq. mt. shall be paid by the landlord/s or Co-operative Housing Societies of existing tenants, as additional development cess for the built-up area over and above the F.S.I. permissible as per table 14 under Regulation 32, for the rehabilitation and free sale components. This amount shall be paid to the Municipal Corporation in accordance with the time schedule for such payment as may be laid down by the Municipal Commissioner, MCGM, provided the payment of installments shall not go beyond the completion of construction. This amount shall be used for Scheme to be prepared for the improvement of offsite infrastructure in the area around the development. The above development cess shall be enhanced @ 10% every three years.

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20. The State Government/ Municipal Commissioner shall prescribe the guidelines for better implementation of the scheme in respect of model agreement, alternate accommodation of existing tenants, eligibility criteria for tenants etc. separately.

This Notice shall also be available on the Government of Maharashtra website : www.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,

S. D. LANDGE,
Joint Secretary to Government.